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IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1982

No. 82- 6249

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SUPREME COURT, U.S.

GILBERT G. VELILLA

APPELLANT

-vs-

UTC/HAMILTON STANDARD DIVISION
LIBERTY MUTUAL INSURANCE COMPANY
WORKER'S COMPENSATION COMMISSIONER
THE STATE OF CONNECTICUT
ET AL

APPELLEES

REPLY TO MOTION TO DISMISS OR AFFIRM BY APPELLEES
AND SUPPLEMENTAL MEMORANDUM

RESPECTFULLY SUBMITTED BY

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APPELLANT PRO SE

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AND SUPPLEMENTAL MEMORANDUM

Pursuant to Supreme Court Rule 16 .5 and .6 appellant Gilbert G.Velilla refutes the arguement by appellees UTC/Hamilton Standard Division and Liberty Mutual Insurance Company.

And will show as supplemental new matter how the absence of response by the State of Connecticut Attorney General's office is eloquent by it's silence.

STATEMENT OF THE CASE

Appellant hereby adopts the statement of the case as presented in the Jurisdictional Statement docketed on February 17, 1983 by the Clerk's office of this United States Supreme Court.

REBUTTAL ARGUEMENT

The Appellees UTC/Hamilton Standard Division and Liberty Mutual Insurance Company on page (8) of their Arguement state that this Supreme Court may have Original Jurisdiction, but not Appellate Jurisdiction. Also that the State has never been a party plaintiff in the instant matter and therefore Title 28 USC Sec. 1251 does not provide this Court with Jurisdiction over the instant matter before the Court for Adjudication.

ANSWER: Appellate Jurisdiction is also provided, to this U.S. Supreme Court by virtue of having Original, but not Exclusive jurisdiction. Where the Issues

involve a State and a Citizen of another State.Meaning that the State Supreme Court had the right to Adjudicate the Constitutional Violations presented by Appellant. The failure to do so thusly convey's Appellate Jurisdiction to this U.S. Supreme Court upon Appeal from the Denial by the State Supreme Court.

According to established Legal Precedent the State can be either a party Plaintiff or a party Defendant.

CASE CITED:

> "The original jurisdiction vested by the Constitution in the Supreme Court over controversies in which a state was a party was not affected by the question whether the state was a party plaintiff or a party defendant. Minnesota v. Hitchcock, Minn. 1902, 22 S. Ct. 650, 185 U.S. 373, 46 L.ED. 954."

Where Appellant in his Motion For Reconsideration to the State Supreme Court properly invoked Title 28 USC Sec. 1251 thusly enabling that Supreme Court to assume Jurisdictional Power's over the Issues. It was error for the Court to have refused to do so and Deny the Reconsideration.

The State of Connecticut Attorney General's office had Represented the Workmen's Compensation Commissioner during Federal Court proceeding's,with a variety of Brief's every step of the way. It is significant that the new Attorney General has after careful evaluation of the facts and the evidence decided not to oppose Appellant.Especially where the State took note of the fact that Appellees (Employer-Insurer) had indeed Breached the Contract they have with the State,as alleged by Appellant. Where it would not be good form to now join with Appellant,after having opposed him in the prior proceeding's the State has done the next best thing. It's non-response is eloquent,demonstrating to Appellant and to this U.S. Supreme Court that Justice survives and is alive and well. In the State of Connecticut once again. Understandably,they,the State are not being sued and thusly did not have to answer on behalf of any particular State Administrative or Judicial party. Nevertheless, they could have offered an alignment with the other Appellees as they have done in the past. The in effect Nolo-Contendre demonstrates a new and positive enlightenment.

The State of Connecticut does not have provision for an ex parte request for Ruling to it's Supreme Court on Issues of Law. Which is why Appellant used the State Court Docket number to show he was an aggieved party,and that there existed bona fide Respondents to the Issues presented for Review and Ruling.

The reason also why Appellant had to Invoke Title 28 USC Sec. 1251 in order that Jurisdiction be assumed by the State Supreme Court of Connecticut.

This U.S. Supreme Court has Ruled that at the Administrative level,Trial by Jury is not an absolute,where the State provides an adequate Administrative Forum.In the instant matter Trial by Jury had been requested at the Superior

Court Level on Appeal from an Administrative Finding and Award that was not in Compliance with the Statutes,and which failed to address a Breach of Contract by Respondents (Employer- Insurer). Those issues were of Law and not of Equity and therefore the 7th Amendment is of moment. When State Rules of Practise prohibit the exercise of the Right to Trial by Jury those Rules surpass the normal bounds of police State Powers often granted to the States.

Appellant,challenges the usage of Appellees of Title 28 USC 1257. They did not cross appeal,therefore the issues to be addressed by them are those in which Appellant has invoked or used.Although it is not detrimental to Appellant it is used by Appellees to sidetrack the Court away from the main issue of the U.S.Supreme Court's Original Jurisdiction as provided under the Constitution by Title 28 USC Sec. 1251 and " By the Judiciary Act of 1789, c. 20, sec. 13, 1 Stat. 80. (formely section 341 of this title).

It is noteworthy,that Appellees,(Employer-Insurer) now concede that Title 28 USC Sec. 1343 (3) confers further Jurisdiction,but only to the Federal District Court. Unawares,perhaps,that this Court is oftentimes called the Federal Supreme Court.

CONCLUSION

Appellant,is a Citizen of the State of Massachusetts,and in the State of Connecticut his Constitutional Rights have been Violated by State Statutes,and Rulings (Adzima) by Fraudulent Practise (Appellees,Employer-Insurer) and under color of State Law through unlawful and illegal Adjudication,Administrative and Judicial. This United States Supreme Court has Original Jurisdiction,to Adjudicate on the Merits,or to Rule for Appellant upon Summary Disposition.

WHEREFORE:

Appellant, respectfully requests that Appellees Motion to Dismiss or Affirm be Denied,and that upon Summary Disposition the Court Rule for Appellant.

Or in the alternative,that Jurisdiction and a Hearing on the Merit's be granted as is provided by the established law.

Respectfully Submitted By

GILBERT G. VELILLA
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APPELLANT PRO SE

DATED: March 29, 1983

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1982

No. 82-6249

GILBERT G. VELILLA
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V.

UTC/HAMILTON STANDARD DIVISION
LIBERTY MUTUAL INSURANCE COMPANY
WORKMEN'S COMPENSATION COMMISSIONER
THE STATE OF CONNECTICUT
ET AL

APPELLEES

March 29, 1983

CERTIFICATE OF SERVICE

I, Gilbert G. Velilla do hereby certify that on March 29, 1983 a copy of Reply/ To Motion to Dismiss or Affirm/and Supplemental Memorandum was sent to Howard, Kohn, Sprague,and FitzGerald Esq.'s whose address is 237 Buckingham St. P.O. Box 6896 Sta. A Hartford,Conn. 06106. Attorney's for UTC/Hamilton Standard and Liberty Mutual Ins. Co. By First Class Certified Mail.

A copy of Reply/ To Motion to Dismiss or Affirm and Supplemental Memorandum was also sent to Assistant Attorney General Thomas P. Clifford III whose address is P.O. Box 120 Hartford,Conn. 06101. And whom represent the Workmen's Compensation Commissioner and the State of Connecticut. On March 29,1983 by First Class Certified Mail.

GILBERT G. VELILLA
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Appellant Pro Se

DATED: MARCH 29, 1983